

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

JUAN E. CANTU, JR.  
TDCJ-CID #225714  
Plaintiff,

v.

NUECES COUNTY JAIL STAFF, et al.  
Defendants.

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C.A. No. C-07-444

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

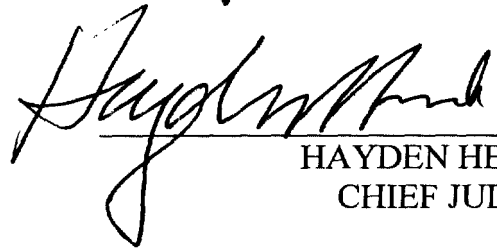
The United States Magistrate Judge filed her Memorandum and Recommendation on August 8, 2008 (D.E. 47). As of this date, Defendant has yet to file objections. Defendant seeks a dismissal of the case (D.E. 37), alleging that Plaintiff's change of address, leading to two pieces of mail being returned as undeliverable, constitutes a failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.

When no timely objection to the Magistrate Judge's Memorandum and Recommendation is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record in order to accept the Magistrate Judge's recommendation. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir.1996) (citing FED. R. CIV. P. 72(b) advisory committee's note (1983)).

Having reviewed the pleadings and motions on file, the Court finds no clear error in the Magistrate Judge's recommendation. The Court accepts the

Magistrate Judge's decision. The Court DENIES Defendant's Rule 41(b) Motion  
to Dismiss for Failure to Prosecute (D.E. ~~96~~). *37*

ORDERED this 30 day of Aug 2008.

  
HAYDEN HEAD  
CHIEF JUDGE